

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, January 25, 1983

Mr. Tate called the meeting to order at 7:30 P.M.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Brian Bergsten, Col. Stanley Morrow, Mr. David Hall, Mrs. Marian Simmons. Absent: Mr. Robert Chappell. Also Present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Steve Feverston, Planner; Mr. Jon Bormet, Administrative Assistant.

Approval of minutes of November 30, 1982:

MOTION: Mrs. Simmons moved to approve the Planning Commission Minutes of November 30, 1982, as written. Col. Morrow seconded the motion. The motion was approved unanimously.

Approval of minutes of December 14, 1982:

MOTION: Mr. Horvath moved to approve the Planning Commission Minutes of December 14, 1982, as written. Mr. Hall seconded the motion. The motion was approved 4-0-1. Mrs. Simmons abstained.

COMMUNICATIONS

Mr. Schwab reviewed the requests submitted by Mills & Wright Realtors and Robert V. French, Realtor, stating that both temporary sign requests are similar, and are in the same general location. The request for a temporary real estate sign by Mills & Wright is for a sign to be located on a vacant piece of ground immediately north of Revere Village Apartments and east of SR 48. This sign is a temporary real estate sign by Robert V. French for two (2) single-face signs, 4' x 8' for a total of 64 sq. ft., directly across SR 48 from the location of the Mills & Wright sign. The realtors for both of these properties are requesting approval for these signs, which are already in place, until the properties sell.

Staff recommends that the requests be approved until the properties sell or a time restriction of perhaps one (1) year be a condition of the approval.

Mr. Hall asked if there had been any complaints regarding the signs.

Mr. Schwab stated it was a misunderstanding on the realtors part because in an E-C District, there is no provision for a temporary sign. In other business districts, a 4' x 8' temporary sign is allowed. This is how the confusion resulted, other than as a result of a complaint.

MOTION: Mr. Horvath moved to grant a temporary sign for Mills & Wright Realtors and Robert V. French, Realtor, as requested, for a period of one (1) year from this date. Mrs. Simmons seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGSIncentive Journey Travel - Sign Variance

Mr. Schwab reviewed the variance request for Incentive Journey Travel located at 152 West Franklin Street. He stated that the property is zoned R-3 which allows single or double-family residences. This particular property was granted an office use as a conditional use some years ago. At the time this property was granted the conditional use, there was no special provision in the Ordinance by which a residential property that has been granted a conditional use of an office is allowed any more signage than just a residential property. Traditionally, what has happened to cover that oversight in the Ordinance is a person has had to apply for a variance for the property.

This particular request is for a sign variance and permission to illuminate a wall sign that has been erected on the property. Mr. Schwab indicated that these signs are currently in place. The freestanding signage was originally approved with the conditional use application at a maximum height of 7 ft. The request is to increase that height to 7-1/2 ft. which is the height of the existing sign. The sign area originally permitted was 9 sq. ft. per face and 18 sq. ft. in total sign area. The applicant is requesting that the sign area be increased to 15 sq. ft. per face and 30 sq. ft. in total sign area. The permitted wall sign is 1-1/2 sq. ft. The request is for an 8 sq. ft. wall sign with illumination. Mr. Schwab stated that sign illumination must be approved by the Planning Commission in a residential district. The original variance request included illumination for the freestanding sign so it is currently illuminated and is permitted to be so.

Mr. Hall asked if all the signage and illumination is currently in place.

Mr. Schwab stated that all signage and illumination is in place. He stated that there was a misunderstanding in the Zoning Inspector's office and a permit was issued for a portion of the signage because he was not aware that the office use was a conditional use in an R-3 District.

Staff feels that given the residential character of the neighborhood, the freestanding sign is not unreasonable, however, the wall signage with illumination is unusual from past approvals. Staff's recommendation is to approve the slight increases in area and height for the freestanding sign, but to deny the request for the wall sign and illumination of the wall sign.

Mr. Tate opened the public hearing.

Mr. Jim Presbaugh, 157 West Franklin Street, stated that he walked the areas on East and West Franklin Street to determine what the character of the existing signage is in these areas. He stated that it seems that most of the wall signs averaged about 1-1/2 sq. ft. and freestanding signs did not exceed approximately 12 sq. ft. He stated that the applicant is already displaying some wall signs in front of the property and these signs are lighted with very high intensity spotlights. These lights illuminate the entire front of the building which is white and reflects the light directly across the street to his residence. Mr. Presbaugh stated that these lights are on all night most of the time and it is nearly impossible for he and his wife to sleep in the front bedroom of their home. He stated that their living room also received the same

amount of glare which makes it difficult to even read because of this glare. He stated that he does not feel that it is reasonable to have to contend with the situation as it exists. The granting of this variance might also lead to requests on the part of other business people in the area to enjoy the same right as the applicant. Mr. Presbaugh stated that it is his understanding that the purpose of Architectural Preservation is to allow business to come into the area while retaining charm and dignity of business and fulltime residences co-existing in harmony. He stated that he questions if the harmony we seek is going to be secured if this variance is granted.

There being no other speakers, Mr. Tate closed the public hearing.

Mrs. Simmons asked how many of the other businesses existing by virtue of a conditional use have illuminated wall signs.

Mr. Schwab stated to his knowledge, no wall signs have been granted; however, illuminated freestanding signs have been granted.

Mrs. Simmons stated that she has noticed when driving by the property in question that it does seem out of character with the rest of the area.

Mr. Tate stated he cannot recall the Planning Commission ever approving any illumination for wall signage.

Mr. Bergsten asked if this property were in the APD, what difference would it make as to sign application.

Mr. Schwab stated that in the APD, signage is generally limited to one (1) sign per occupant, being a freestanding sign in most cases. The sign area is usually 12 sq. ft. per face, however, the BAR grants what they feel is appropriate for each particular property.

Mr. Bergsten asked if the lights could be regulated.

Mr. Schwab stated he would have to research this. He stated that there is an Ordinance regarding a light spillover, but it may apply to commercial property only.

Mr. Bergsten stated his concern is that by denying the wall signage, the signage will be removed but the lights will remain.

Mr. Tate stated that the lights can be addressed by placing certain conditions of approval for the freestanding sign.

Mr. Schwab stated again that sign illumination in a residential district must be approved by the Planning Commission.

MOTION: Mr. Hall moved to approve the variance for Incentive Journey Travel for the freestanding sign with the condition that the wall sign and all illumination of the building be removed. Mr. Bergsten seconded the motion.

Mr. Warren Matthei, applicant, stated that the Centerville Municipal Building is illuminated at night as well as other buildings along Franklin Street. He submitted copies of sign permits to the Planning Commission that were issued for erection of his signs. He stated that before renting the property at 152 West Franklin Street, he met with the Zoning Inspector

who assured him he could have 1-1/2 ft. of signage for every one (1) linear ft. of the building. The building measured 30 ft., so it was determined that 45 sq. ft. of signage was permitted. Mr. Matthei stated on that basis, he rented the property and signed a two-year lease. He stated it is not fair that the City is going to come along and take the signage away from him. He stated it is the Zoning Commission's mistake and he should not suffer for it. He stated that the lights are on until he retires for the evening, although there have been some occasions when they have been on all night. He pointed out that the lights are a matter of security. He stated he could not mention with a room full of people the value of some of the things on the property and what they amount to. He stated he also had DP&L install a light at the rear of the property to keep prowlers away. Mr. Matthei stated he would have the sign taken off the building, but he wants the lights and the sign that was approved in the front.

Mr. Hall asked Mr. Matthei what the intensity of the lights are on the front of the building.

Mr. Matthei stated the lights are 500 watts each.

Mr. Tate asked Mr. Farquhar if the Zoning Inspector had a right to issue the permits.

Mr. Farquhar stated if it was in violation of the Ordinance, the Zoning Inspector had no right to grant the permits.

VOTE: The motion was approved unanimously.

Mr. Tate advised the applicant of his right to appeal the Planning Commission decision.

#### NEW BUSINESS

#### Third National Bank/Green Machine - Site Plan Amendment to Centerville Place Shopping Center

Mr. Schwab made a slide presentation of the proposed site plan amendment for Third National Bank Green Machine to be located in the Centerville Place Shopping Center on South Main Street. The zoning on the property is B-3. An automatic bank teller is a permitted use in this district. The structure is to be located south of Citizens Federal and north of the main entrance to the shopping center. There is one light pole that will have to be relocated slightly to the west to accommodate this location for the structure. There is signage across the front of the structure which is within the provisions of the Ordinance. The structure is placed on a concrete pad which will extend to the rear of the structure and create an approach lane. The proposal is to paint striping opposite the concrete curbing to define a 12 ft. wide approach lane. Staff recommends that the painted stripe on the plan be changed to a raised concrete curb so that the entire length of the 12 ft. wide approach lane to the banking machine is defined by a continuous raised concrete curb on both sides of the lane. The concrete pad proposes planter areas for landscaping.

Mr. Schwab stated that when SR 48 is widened to its 5-lane profile, the curb cut on the north side of the existing entrance drive will create

traffic conflicts not only at the main entrance to the shopping center, but also in the approach lane to the banking structure. He stated that these traffic conflicts could be limited by utilizing the central drive in the shopping center.

Mr. Stan Kleske, architect for Third National Bank, stated that they would have no objection to the installation of the curb. He stated whatever they can do to improve the traffic flow situation will certainly be an asset to the area.

Mr. Horvath asked if by eliminating some of the parking spaces for this project, will the site still have adequate parking spaces.

Mr. Schwab stated that more than adequate parking will still exist.

MOTION: Col. Morrow moved to recommend approval of the site plan amendment for Third National Bank Green Machine located in Centerville Place Shopping Center to Council with the following condition:

1. The painted stripe shown on the plan be changed to a raised concrete curb so that the entire length of the 12 ft. wide approach lane to the banking machine is defined by a continuous raised concrete curb on both sides of the lane.

Mr. Hall seconded the motion. The motion was approved unanimously.

#### Miniature Golf Course - Site Plan

Mr. Schwab reviewed the site plan for the proposed Miniature Golf Course located at 121 North Main Street in the APD. Recommendations will be submitted by the BAR and Planning Commission to City Council who will have the final decision. This use for a miniature golf course is an Outdoor Commercial Recreational Enterprise which is a conditional use. The Planning Commission is to review the use for this property and whether the use meets the additional standards of the Ordinance for an Outdoor Commercial Recreational Enterprise, screening location, building location, number of parking spaces and their location, and drainage.

The required number of parking spaces is 29 and the plan proposes 23 which does not meet the minimum requirement. The house currently existing on the proposed site has been approved for demolition by the BAR. The house directly to the north also in the APD is currently being used as a single-family residence. The properties to the rear of the lot are zoned single-family residential and are occupied. The property to the south is used as a service station.

There is only one (1) building proposed on the property to be located on the north side of the lot which would house the operating booth and rest-rooms. The plan proposes a retaining wall at approximately the same grade as SR 48 with a landscaped area and a parking area behind the retaining wall in front of the two (2) golf courses. A 6 ft. high fence would surround the golf course areas. There are 13 ft. florescent lighting fixtures over the two (2) course areas. Approximately one-half of the property is devoted to parking and the rear half to the golf course layout. A two-way entrance is proposed along the north side of the property along with screening on that north property line.

Staff recommendation is to deny the application based on the following:

1. There is inadequate buffering and screening of the adjacent single-family residential uses.
2. The building location does not comply with the minimum side yard requirement.
3. The parking location in the front yard is not acceptable. And, the number of spaces does not meet the minimum requirement.
4. A common curb cut with the adjacent property to the north is needed.
5. The storm water drainage plan is inadequate as submitted.

Staff feels that the intensity of the use is too great since the distance and screening is not adequate between it and the residential uses.

Mr. Schab stated that the storm water drains from SR 48 to the rear of the property. The front of the lot would have to provide detention and retention capabilities so that additional water would not be concentrated and run to the rear of the property and to neighboring properties. A pattern should be made so that the water is discharging in the same way after development as it did prior to development. Mr. Schab stated that the lot can be developed in such a way that retention and detention would be assured. It will not be easy since there is not a storm water system to receive this water in a proper way, but it could be achieved with some effort on the part of the developer.

Mr. Ken Huelsman, applicant, stated that the idea of the miniature golf course was a family business designed to promote recreation as well as income. He stated that he was not aware of the drainage difficulties and that there is not a storm sewer capability.

Mr. Hall stated he thinks that the miniature golf course is an interesting and innovative idea and he would like to see it work out.

Mr. Doug Langley, architect for the project, stated that during review by the BAR, they objected to the parking in the front of the lot although parking is not totally under their review process. He stated that the front yard parking is something they have looked at from the beginning and found that this layout is ideal because from a visual standpoint from SR 48, the retaining wall and landscaping will make a person look over the cars to the back of the parking area. He stated this does not mean you will not see the cars at all, but they will not be in direct view as they will set back from Main Street itself. Mr. Langley stated that the screening can be changed to meet the satisfaction of the City. He stated they are waiting for a direction from the BAR as to the angle of the pole lights and how the fence will contain the lighting. He stated that the building location could be adjusted to some degree, however, the proposed location is ideal for the operation of the business. He stated it is an extremely small building and they did not feel that the setback would have that much impact. Mr. Langley stated the curb cut and drainage are engineering problems which could be worked out. He stated that he has reviewed the use of the miniature golf course from an architectural point of view and felt that it is something that fits as well as anything might in that

location except some truly historic piece of architecture.

Mr. Bergsten asked how the inadequate parking would be handled and if there is anything that can be done to supplement the number of parking spaces.

Mr. Langley stated that there is really nothing that can be done to provide more than the proposed 23 parking spaces. He stated that the BAR was more concerned with the idea of front yard parking than the proposed number of spaces. He stated that he feels rear yard parking would make the drainage problem more difficult to satisfy.

Mr. Bergsten asked if one (1) 18-hole golf course would be possible to allow more parking spaces and additional space to meet setback requirements.

Mr. Huelsman stated that the project would not be financially feasible with only one (1) course.

Mr. Tate stated that they would like to review the project further and have the applicant work with staff to overcome the objections to the application.

Mr. Langley stated that they would have no problem working with staff, but he did not know how far the project could be stretched to accommodate some of those things although they will try.

Mr. Hall stated that he does not feel that it is reasonable to look at the property to the north as being residential. He stated that it has been his experience that the structure is vacant or used as commercial.

Mr. Schwab stated that the owner of the property to the north was in attendance at the BAR meeting and did voice some concerns. He stated that the property is, however, for sale as a commercial piece of property.

MOTION: Mr. Hall moved to table the site plan for the Miniature Golf Course. Mrs. Simmons seconded the motion. The motion was approved unanimously.

Mr. Huelsman stated that they are working against an option timetable and would like some indication from the members of the Planning Commission as to their feelings on the project concerning the usage of the property if the problems with the property are resolved.

Mr. Bergsten indicated that he feels that the site is inadequate in size for the development that is proposed. He stated if the lot to the north could be purchased and made a part of the development, it could meet the requirements. Also, it would be appropriate to have evergreen screening in addition to the fence proposed.

Mr. Huelsman stated it is a matter of return on investment and it is financially impossible.

Mr. Horvath stated he is concerned about the appropriateness of the use in the APD as well as the overdevelopment of the lot. He stated that drainage is a large concern and will probably be very costly to maintain.

Mrs. Simmons stated that the miniature golf course would be an improvement over what is there now if the concerns can be resolved.

Col. Morrow stated that he agreed with Mrs. Simmons. He stated that this will promote the pedestrian traffic that is a goal of the APD.

#### VOCA Corporation - Conditional Use

Mr. Schwab made a slide presentation of the application for a conditional use for a residence family home at 1007 Fernshire Drive. He explained that a permitted use is a use that is permitted that can occur by right. There are requirements that a use has to meet to exist, however, the use itself is a permitted use for the property. It is only the way a use goes in that is in question. He further explained the review procedure by the City for a conditional use.

The zoning on the parcel in question is R-1, single-family residential. The requested use is a residence family home that would allow up to ten (10) persons (foster children, mentally retarded persons, or elderly persons) to occupy the home. The proposal is to place eight (8) mentally retarded male individuals over 18 years old in the home. The requirements in the Ordinance that apply to this use above and beyond the normal requirements are:

1. That the Council make a determination that the public health, safety and welfare is not adversely affected;
2. There is no other similar facility within 1/2 mile radius of the proposed facility;
3. That the proposed facility meets the definition of a residence family home.

Mr. Schwab stated that the proposed location has a tri-level 4-bedroom house which would accommodate two (2) persons per bedroom. There would be no permanent live-in individuals, but a rotating staff would supervise the individuals on a 24-hour basis in the house. There are no proposed changes to the exterior of the dwelling and there will be no signage to identify the home.

Mr. Schwab stated that in looking at the spacing requirement in the Ordinance, currently within the City of Centerville there are two (2) residence family homes. The first one that went in was on Sheehan Road which houses seven (7) mentally retarded girls under the age of 18. Within the past two years, a foster home was established on South Main Street which houses six (6) boys under the age of 18. He did indicate that the Planning Department did contact the City of Kettering to find out if there were any of these types of facilities in the area north of the proposed site. Kettering indicated that they have three (3) facilities located in the Oak Creek area of their City since their Ordinance requires only 1/4 mile spacing. The closest home to the proposed site is located on Springmill Drive in the center of the neighborhood, another is located further north on Bigger Road, and the third one is located on Hemphill Road. All of these homes are located outside the 1/2 mile spacing that is required by the Centerville Ordinance.

Staff also contacted the Board of Mental Retardation to inquire about the



VOCA Corporation. The Board of Mental Retardation indicated that the corporation is a private corporation that does operate some homes under a non-profit organization as well as some profit venture homes of which the proposed facility is a profit venture. The State indicated that this corporation operates several facilities throughout Ohio and is a very capable organization. They are managed by professional people who are experts in this area and the person who directs their operations in the Dayton and Cincinnati area has an extensive background in this field. He worked with several projects for the County including the home on Sheehan Road. Mr. Schwab stated that he also talked to the Licensing Director for the State out of their regional office in Cincinnati about this particular corporation and again the Licensing Director indicated that this corporation has good marks of operating very high caliber facilities and dealing with any problems in a responsible fashion that should arise in the administration of those facilities.

Mr. Schwab stated that in looking at the location with respect to what is around it, staff under the Ordinance definition which this application seems to satisfy, has no choice but to recommend to the Planning Commission to approve this application. The only condition staff would recommend is that given there are only 4 bedrooms in the home, it should be limited to a maximum of eight (8) individuals and not ten (10) which the Ordinance would permit.

Mr. Terry Mambort, Project Director for VOCA, stated that Mr. Schwab's report was accurate in regards to the company and to the conditional use application. He stated that he knows that the research into himself and the company was necessary for the Planning Commission review as well as the community's. The idea of family residence homes is not new to Centerville and it is with some of that perspective that Centerville was chosen. This particular location fits the needs for a family residence home and they would not find it reasonable to house more than eight (8) persons as staff has recommended. He stated that they fully understand that this is an issue which raises questions of the community and are here to answer those questions and concerns. Mr. Mambort indicated that their corporation works closely with the community, City administration, neighborhood associations, etc., to provide accurate information which minimizes the misgivings that people may have. He stated that the company has an "open door policy" to meet with, share, and show the programs that are existing in the community, in the State of Ohio, anywhere their company operates these facilities.

Mr. Tate stated that the meeting tonight is not a public hearing--a public hearing will be heard when the application goes before the City Council. He stated that it is evident that the people in attendance of the meeting are present for a reason and perhaps a spokesman for the entire group can address the Planning Commission in order to keep from being repetitive. Mr. Tate stated it is important, however, that these questions be answered but not to the point of redundancy.

Mr. John Bramlage, 990 Kentshire Drive, stated that the main purpose of the Planning Commission is to protect the residents of this community. He stated that the term "profit" is a significant issue because it is located in a R-1 District which restricts normal profit-making ventures within that district. He stated that he feels this type of precedent that would possibly allow a profit-making operation within a residential community would be a mistake. He stated further that he finds it interesting that a corporation would pay a premium price for a piece of property,

in fact more than it was listed for, when the same amount of total dollars could perhaps purchase two or three residences elsewhere in this community and serve the needs of this community in perhaps a more applicable fashion. He stated that the representation at the meeting tonight is indicative of a very serious question about their neighborhood as a grounds for this type of a profit-making operation.

Mr. John Blake, 1251 Ferrishire Drive, stated that he has a feeling that the issue of the conditional use application is closed. He stated that the project director made a statement that this procedure has been followed before and the same thing is being requested. He stated that he hoped the Planning Commission would keep an open mind when considering this application. Mr. Blake stated that no one in the neighborhood was aware of the Planning Commission review of this project, and even though this is not a formal public hearing, it is important to have the input from the community in order to make a recommendation to Council. He stated that although it is not technically necessary to notify property owners in a case as this, it would certainly be in the interest of good government to do so. Mr. Blake stated that he had obtained a copy of the VOCA application and referred to a section where it makes a statement regarding a "neighborhood opinion study". He stated that in talking to his neighbors, there was no such opinion study made. Also a "property sales study" was made according to the application. Mr. Blake stated that he does not know if these particular studies were presented to staff as having been made or represented to the Planning Commission as having been made, but there seems to be no evidence that they have been made. He stated that the application speaks about the integration of people with disabilities in the community and how this particular placement will fit that. He stated they describe the proposed facility as fitting the needs of these individuals very well. Mr. Blake stated he lives up the street from the proposed location in a 4-bedroom house of approximately the same size with his wife and his six (6) children. He stated that in his house even with the little children, it is tight. How you can place upwards of eight (8) adult males in a house of this size and have any minimal functions is something that that should certainly be questioned. Mr. Blake stated he is disturbed that there is no provision for live-in personnel. He stated he is also disturbed that the facility will be a profit-making venture located in a residential atmosphere. He stated that it is his impression that anyone who takes deed to this property is subject to the same deed restrictions as the rest of the property owners in that area which allows single-family residences. Even if the Council grants the conditional use application, it would seem that the owners would still face a legal challenge on the use of the property with respect to the plat restrictions. Mr. Blake stated that according to the application, persons would be placed by private individuals which would include persons on psychotropic medication. He stated he once attended a conference where a psychiatrist told him he could give a homicidal maniac enough medication of this type to make him competent to stand trial. Mr. Blake stated in his professional experience, problems in the criminal justice field are the area of mental incapacity, and when persons are administered drugs in a restrictive environment, it is difficult to place them in a nonrestrictive environment and guarantee that they will take their medication. Mr. Blake stated that to add this use to this particular area is a violation of the spirit of the idea of having a Zoning Ordinance. To recommend this use to Council as staff has done, is a betrayal of those citizens who rely on the City for the protection of their property. Unfortunately, those citizens have wrongly looked at City staff for that protection of those values. He

stated that he is extremely upset that those recommendations have been made by staff without any input from the citizens. Mr. Blake stated that he noticed that the project manager is on a first name basis with the Planning Director and does not know that anyone else in attendance of the meeting is on a first name basis. He stated he would like to be assured that both sides will be heard in making these recommendations to Council. He stated it makes no difference to have a hearing before Council if the issue is already set and concrete, and that is the reason the concerned neighborhood citizens are in attendance.

Mr. Tate pointed out that the profit-making venture should not interfere with this review, as a residential district allows for a home occupation use so that any one of the property owners in that R-1 District could have an office in their home. The only limitations are that there can be no signage and no customers can come in for goods or services.

Mr. Mambort stated that placements are being made because years ago people had no place for their children to go, of which the majority of these placements will be made by the Board of Mental Retardation. These individuals will be from Montgomery County. Regarding the plat covenants issue, Mr. Mambort stated that this issue has been reviewed throughout the courts in the State of Ohio and there is existing case law on the issue to protect the use of family residence homes. The neighborhood survey and the property sales study were not presented as studies of the immediate area, however, they were done in the City of Centerville as well as other areas of Montgomery County.

Mr. Ron Myers, 1009 Fernshire Drive, asked what provisions would be made for parking resulting from the visitation that will occur by friends and family of those persons occupying the home.

Mr. Schwab stated that for this type of use, there is no parking requirement incorporated into the Ordinance. He stated that the project manager indicated that none of the residents will have cars. They will be provided transportation or will take public transportation. He stated that if each individual had a car for his use, extra parking would be warranted; however, the cars that result from some visitation can utilize the on-street parking which is available to them.

Mr. Mambort stated that the only vehicle available will be the vehicle that is made available to each facility with a possibility of one or two other cars for a maximum of three as being a typical number.

Mr. Larry Brisken, 880 Fernshire Drive, stated that his concern is that the use could be approved for mixed sexes. Even though the project manager has indicated that it is being proposed as an all male facility, there is a possibility a coed situation could occur. He stated that he is concerned that there are no permanent caretakers for the facility and fears that these proposed shifts do not provide 24-hour constant supervision. Mr. Brisken stated that he feels that the surveys were misrepresented as being made in the Red Coach neighborhood and stated that if this situation was misrepresented, what other issues involved in this proposal have been misrepresented.

Mr. Ken Ward, Program Director for VOCA, stated his responsibilities are seeing over the day-to-day operations and the training that goes on within the facility, staff development, etc. He stated that the concern of a

live-in staff seems to be a major one of the neighbors. He stated that being involved in mental retardation for over 15 years, he has been involved in several different types of staffing patterns. He stated that they do not use live-in staff at any of their projects because it has been found it is not a workable solution. The level of burn out among staff is extremely high. The staff works on rotating shifts that provide 24-hour supervision. No staff member has less than an Associates Degree of which most staff members have considerably more education. There is one staff person on duty per four persons per shift. Mr. Ward stated that they do not provide babysitting services, they provide life skill training with the end hope that in some point in time each individual can live independently.

Ms. Carol Eisenhauer, 6396 Millbank Drive, stated that what she has witnessed tonight is an outside firm coming into Centerville for a profit-making venture and many concerned citizens in attendance to voice their objections. She asked what credence is given to a group of citizens that the Planning Commission represents versus an outside firm or versus the staff's recommendation.

Mr. Harry Barnes, resident directly across from the proposed group home, asked what the degree of retardation is of the individuals who will occupy the facility.

Mr. Ward stated that although the selection has not been made from the references by the Board of Mental Retardation, VOCA has established their criteria for placement. He stated that for this facility they must be male and will not accept anyone functioning below the severe rate of mental retardation. He stated that they will most likely be moderately retarded who can learn the majority of the daily living and life skills that is necessary to improve their quality of life, but they have not had the opportunity to learn to do so. They have not been provided the kind of training and of development that the VOCA Corporation provides within the facility. He stated they will not take anyone with severe behavior problems. There is a possibility that they would accept someone on psychotropic drugs, although that situation would be monitored very closely and that would have to be an extenuating circumstance. He stated in the other facilities that the VOCA Corporation operates, there have been no incidents of aggression, no incidents of injuries, and have had over the past year of operation of 36 individuals present, only two walk-aways who became lost and were found in a matter of a couple hours.

One resident asked Mr. Ward to describe a severely mentally retarded person.

Mr. Ward stated that a mentally retarded person probably would not look a lot different than any other person, with the level of cognitive ability lower than ours. He stated that they base their ability on the adaptive capabilities. He stated it would be a person who could carry on a conversation with another person, a person who has the full range of emotions that normal people have (the full capability to express happiness, unhappiness, to love someone, dislike someone, to feel very threatened by a group of individuals), someone capable of dressing themselves, feeding themselves, managing their own hygiene, carrying out those kinds of day-to-day skills but need training in things like learning to cook, balancing a menu, learning to know what goes in a refrigerator and what does not; the kinds of things that we take for granted by growing up in the community.

Mr. Ward was asked if these individuals are so well behaved, why they are not being taken care of at home.

Mr. Ward stated that most of these individuals were placed out at a very early age. At that time, the cultural acceptance was that you place these persons in institutions. He stated that it is now known that this is not the best way to meet the needs of these individuals.

Another resident asked what type of freedom of movement will these individuals have.

Mr. Ward stated it will be on an individual basis. A daily schedule for an individual would include waking up in the morning and having staff work with the individuals on their hygiene program to prepare to go to work. Next they will work on dressing programs to make sure their appearance is acceptably coordinated. They will prepare and eat their breakfast meal. At that time, they will board the bus and go to work which is employment through the Montgomery County Board of Mental Retardation. Employment is another of the placement criteria which provides a daily work program outside of the facility where each individual earns a salary, learn job training skills and additional kinds of habilitation skills. They will then come home late in the afternoon and work on the evening chores which comes with managing a household including working skills, doing dishes, etc. In the evening, they sit down and work on habilitative skills that has been designed in the individual habilitation plan which could include reading programs, math programs, basic socialization programs. The courts make the decision if an individual is mentally competent and that rules his level of freedom.

Mr. Mambort was asked why the home was purchased at a premium price when another could be purchased at market price.

Mr. Mambort stated that the purchase was made as any real estate transaction and was not purchased at the list price or above.

Mr. Steve Mikula, Ambassador Realty and resident of 960 Fernshire Drive, stated he is the realtor that had this particular property listed. He stated when he was out of town a contract at \$1,100 more than the list price was written by another realtor. He stated when he took the contract to Winters Bank, it was an acceptable contract as contingent upon several items which he stated he is not at liberty to reveal. He stated that the seller wants it made public that the house is still on the market for sale and if an acceptable contract is obtained, then the VOCA Corporation has the right to remove the contingencies. If they do not do that, the seller has a right to accept a subsequent offer. Mr. Mikula stated that he talked to many persons about this situation including the Board of Realtors and some professors at UD where he teaches real estate financing, about what his position should be in this matter. He stated he knows his moral position, but he reviewed what his professional position should be as a realtor and what he is charged with. One of the things a professional realtor is charged with is that he is to maintain the proper values within a neighborhood. He stated that as a professional real estate agent, if this conditional use is granted, that he has damaged the property surrounding the proposed group home because these properties will be less saleable. He stated that he does not care what surveys were made, those surveys are only one man's opinion of what a particular situation is at that time and only at that time.

Mr. Blake asked Mr. Tate if the members of the Planning Commission would give some indication as to their feelings on this issue even though a decision would not be rendered at this meeting.

One resident stated that she is concerned as a parent of young girls. She stated that Mr. Ward indicated that these individuals have normal emotions as other people and this is her concern since many of them will have free movement.

Mr. Bergsten stated that he has many mixed emotions on this issue stating that he did not know how he would like it if the proposal was to be located at a site next to his property. He stated he is a member of the Planning Commission to represent the community and not to dictate the community. The feelings of the community have got to make a strong impression of what his decision will be.

Mr. Horvath stated that he happens to live in Rose Estates and there is a group home in Rose Estates. He stated that he has had some concerns himself since he does live down the street from this existing facility. He stated that he has often questioned himself to see if he feels that the home looks any worse than the worst maintained property in Rose Estates and can honestly say that it does not. Mr. Horvath stated that the Rose Estates Civic Association is a very active group and the residents are often included in some of the special activities that are held. He stated that the Civic Association has also been invited to the group home for an open house. He stated that he is concerned that the proposal is one from a private organization and the parking situation may be a problem. Mr. Horvath stated he would talk to his neighbors and get their feelings toward the facility.

Mr. Hall stated he has been impressed by what the community has had to say. From a technical standpoint, Mr. Hall stated he is concerned by the possibility of someone trying to circumvent some zoning requirements by using R-1 when in essence we should be looking at B-1. He stated he is also very sympathetic to the needs of this kind of facility. He stated he is involved in some civic groups that are involved in the St. Joseph Home on South Main Street and other group homes and found it to be a very rewarding experience. He stated he would not want to reject something until he were to thoroughly think through the problem.

Mrs. Simmons stated in working with the County Commission over the past 4 years, she has come into contact with a lot of parents of retarded children. She stated that the group home concept was a difficult transition because the retarded people have primarily been institutionalized in the past. One point that was not brought out is the fear that a parent of these retarded children has about what will happen to their child when the parent dies. Mrs. Simmons stated this is one of the reasons parents are excited about the possibility of group living and teaching them to live more independently in a community.

One resident stated that she feels sympathetic for these people, but the idea of a group home should be put in a \$50,000 range neighborhood instead of a \$90,000 range and not cost the property owners of Red Coach South to lose \$20,000 to \$25,000 over this. She stated that the one black family that lives in their neighborhood have had numerous things happen to their property and what will happen if something like a group home moves in. She stated it's common for eight (8) unrelated people to live in a home in the Dayton View area such as the hippies do and you are talking about doing the same thing in Centerville.

Another resident stated that she has an uncle that lives in a group home who is truly happy. For the first time in his life, he is accepted. She stated that the facilities are beautiful and are well supervised. The planned activities keep the residents of the homes so busy, they do not have time to get into trouble. She stated it is a worry for the family as to what will happen to these people after their parents are gone. These facilities provide an alternative to placing an individual into a home when a parent dies and leaves them alone. It is not easy to place a retarded adult person in an institution after they have been raised in a family type atmosphere simply because they do not have anywhere else to go. She stated she is so thankful for group homes because her uncle is not in an institution and shut away from the world.

Mr. Ward stated that he again invited anyone interested in attending one of their facilities to do so. He stated that to date, they have never had anyone of their residents go out and destroy any of their neighbor's properties and, in fact, have adopted projects of cleaning up some of the neighborhood areas.

Col. Morrow stated that he can certainly see a need for homes of this type. He stated that if he has any reservation it would be in site selection.

Mr. Chambers, resident directly behind the proposed site, stated there are in excess of 53 children in the general area. He stated there may be nothing that ever comes of this, but he wonders if we are willing to take the chance that something might happen.

Mr. Tate stated that he has been on the Planning Commission for 12 years and was on the Planning Commission when the original group home came in. He stated that the main group that spoke against that first group home has indicated that after the existence of the home for many years, they were wrong in their fears of the group home. Mr. Tate stated that the current group home ordinance is a product of many months of work on the part of Council, Planning Commission, and many residents who devoted time to the establishment of this ordinance. He stated that the only reason that a member of Planning Commission volunteers his time is to protect the community. Mr. Tate stated that the points that have been brought out tonight would be reviewed by each Planning Commissioner over the next month in order to decide in their own mind, what is best for the community in the long run.

MOTION: Mr. Horvath moved to table the conditional use request by the VOCA Corporation. Mr. Hall seconded the motion. The motion was approved unanimously.

There being no further business, the meeting was adjourned.

*Elmer Tate - 83*

